

REMARKS

The present response is to the Office Action mailed in the above-referenced case on November 03, 2005. Claims 20-24, 26-36 and 40 are standing for examination. Claims 20-24, 26-34, 36 and 39 are rejected under 35 U.S.C. 102(e) as being unpatentable over Carey et al. publication 2002/0112035, hereinafter Carey. Applicant has carefully studied the prior art presented by the Examiner, and the Examiner's rejections and statements in the instant Office Action.

In response to the new rejections and the withdrawal of indicated allowability, the applicant's undersigned representative and the Examiner had a telephone conference before this response, and the applicant made a point that Carey fairly teaches downloading various forms of content, some of which may comprise "sound effects", but that these Carey sound effects are audio files of certain sounds, not software applications. The Examiner agreed that this is true, and suggested that the applicant respond with that argument for her consideration; but that there may be a following rejection, perhaps under section 103.

Accordingly the applicant has canceled all of the standing claims, and has drafted and submitted four new claims which the applicant believes more clearly claim the subject matter believed to be patentable. The applicant believes these claims recite the subject matter in a way, including the use of the software by an audio-effects device, that cannot be rejected by a simple combination of Carey and reference teaching downloading of software.

It is therefore respectfully requested that the claims be allowed and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension

specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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